

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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THOMAS ERICKSON,

Civil No. 05-716 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF  
MAGISTRATE JUDGE**

KOOCHICHING COUNTY,  
KOOCHICHING COUNTY SHERIFF  
DEPARTMENT, KOOCHICHING  
COUNTY ATTORNEY JENNIFER  
HASBARGEN, DUANE NELSON, JOHN  
DEMUTH, JOHN MASTIN, GARY  
JENSEN, PETER KALAR, FLORENCE  
HERVEY, KIM MILLETTE, MARY LOU  
JENSEN, LYNN ROGERS, BARB  
PAULBECK, SCOTT WHERELY,  
DENNIS HUMMITZSCH, SUSAN  
TINDAL, PAUL REUVERS, IVERSON  
REUVERS LLC, CHARLES LEDUC,  
BRUCE BIGGINS, AND JOHN AND  
JANE DOES 1-5,

Defendants.

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Thomas Erickson, 54277 Sheephead Road Northeast, Waskish, MN 56685,  
plaintiff *pro se*.

Paul D. Reuvers and Susan M. Tindal, **IVERSON REUVERS, LLC**, 9321  
Ensign Avenue South, Bloomington, MN 55438, for defendants  
Koochiching County, Koochiching County Sheriff Department,  
Koochiching County Attorney Jennifer Hasbargen, Duane Nelson, John  
DeMuth, John Mastin, Gary Jensen, Peter Kalar, Florence Hervey, Kim  
Millette, Mary Lou Jensen, Lynn Rogers, Barb Paulbeck, Scott Whereley,  
Dennis Hummitzsch, Susan Tindal, Paul Reuvers, Iverson Reuvers LLC,  
and John and Jane Does, 1-5.

John S. Garry, Assistant Attorney General, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**, 445 Minnesota Street, Suite 1100, Saint Paul, MN 55101, for defendant Charles LeDuc.

Bruce R. Biggins, **BIGGINS & CHOI, PLLP**, 309 Third Street, International Falls, MN 56649, for defendant Bruce Biggins.

Plaintiff Thomas Erickson commenced this action on April 8, 2005, alleging violations of his Constitutional Rights, as well as a number of other common law and statutory violations. Plaintiff alleges a number of claims against the defendants relating to his arrest, and eventual prosecution, in the Minnesota state courts. Following a hearing, United States Magistrate Judge Raymond L. Erickson recommended granting defendants' Motions to Dismiss. Plaintiff filed an objection to the Magistrate Judge's Report and Recommendation of February 13, 2006. The Report and Recommendation submitted to the Court is a thorough and detailed review of the Magistrate Judge's findings of fact and credibility determinations in light of the applicable legal standards. The Court has conducted a *de novo* review of plaintiff's objections pursuant to 28 U.S.C. § 636(b)(1)(C) and D. Minn. LR 72.2(b), and has considered respondent's objections to the Report and Recommendation. The Court agrees with Magistrate Judge Erickson's conclusions and therefore adopts the Report and Recommendation.

### **ORDER**

Based on the foregoing, all the records, files, and proceedings herein, the Court **OVERRULES** defendants' Objection [Docket No. 258] and **ADOPTS** the Magistrate

Judge's Report and Recommendation [Docket No. 231]. Accordingly, **IT IS HEREBY ORDERED** that:

1. LeDuc's Motion to Dismiss [Docket No. 14] is **GRANTED**;
2. Biggins's Motion for Judgment on the Pleadings in his capacity as a Public Defender [Docket No. 29] is **GRANTED**;
3. Biggins's Motion for Judgment on the Pleadings in his individual capacity [Docket No. 33] is **GRANTED**; and
4. The County Defendants' Motion by to Dismiss, or in the Alternative, for Summary Judgment [Docket No. 42] is **GRANTED**.

**IT IS FURTHER ORDERED** that as this decision dismisses the case in its entirety, all other filed motions in this case are **DENIED AS MOOT** in light of this order.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

DATED: March 22, 2006  
at Minneapolis, Minnesota.

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge